

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

AZAM KHEZRIAN )  
 )  
 )  
 )  
V. ) CIVIL ACTION NO. \_\_\_\_\_  
 ) jury  
SPROUTS FARMERS MARKET )  
TEXAS, LP )

**DEFENDANT SPROUTS FARMERS MARKET TEXAS, LP'S NOTICE OF REMOVAL**

1. Sprouts Farmers Market Texas, LP ("Sprouts") is the only defendant in a civil action filed on October 20, 2020 in the County Court at Law No. 3 of Collin County, Texas styled Azam Khezrian v. Sprouts Farmers Market Texas, LP with a Cause Number of 003-02195-2020. In this lawsuit, Azam Khezrian ("Khezrian") alleges that on or about October 28, 2018 she was an invitee on Sprouts' premises and that while she was "...perusing the produce aisle, [she] slipped on pieces of fruit, water, or other substance, causing her to strike her knees and other parts of her body on the floor of Sprouts." [paragraph III. 8 and 9 and paragraph IV. 13 of Plain. Orig. Pet.].

2. Per paragraph I.1 of the lawsuit, it appears that Khezrian is currently a citizen of Collin County, Texas (and it appears this is true both now and at the time of the filing of the lawsuit in Collin County Court). The Plaintiff's Original Petition alleges that Khezrian "... seeks monetary relief within the jurisdiction of [the Collin County Court] over \$100,000 but not more than \$200,000." [paragraph II.5. of Plain. Orig. Pet.]. Based on the amount pled in Khezrian's lawsuit, Sprouts would show that the amount in controversy in this case (pursuant to 28 U.S.C. 1332) is more than \$75,000.00 exclusive of interest and costs.

Sprouts Farmers Market Texas, LP was served with the Plaintiff's Original Petition (which is Khezrian's live pleading in this case) on October 26, 2020.

3. This Notice of Removal is timely filed under 28 U.S.C. Section 1446 (b) in that it is filed within 30 days of October 26, 2020 which is the date that Sprouts was served with this lawsuit and within one year of the commencement of the action in Collin County Court.

4. The district courts of the United States have original jurisdiction over this case based on diversity of citizenship of the parties in that the only defendant is now and was at the time the action was commenced in Collin County Court diverse in citizenship from the plaintiff. Furthermore, the defendant is not now (and was not at the time the action was commenced in Collin County Court) a citizen of the State of Texas. In this regard, Sprouts Farmers Market Texas, LP is a limited partnership organized under the laws of the State of Texas with its principal place of business in Arizona. However, as stated by the Fifth Circuit in the case of *Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077 (5<sup>th</sup> Cir. 2008), unlike corporations – and except for the limited situation involving class action lawsuits - the citizenship of a limited partnership (and other unincorporated associations) is not determined by the state in which the limited partnership (or other unincorporated association) is organized under rather, it is determined by the citizenship of all its partners or members. In addition, the Fifth Circuit held in *Mullins v. TestAmerica, Inc.*, 564 F.3d 386 (5<sup>th</sup> Cir. 2009) that when members of an unincorporated association are themselves unincorporated associations, the citizenship must be traced through however many layers of members there are until arriving at the entity that is not a limited liability entity and identifying its citizenship status. The following is a list of this tracing for Sprouts Farmers Market Texas, LP (when the principal places of business are listed below, it is referring to the principal places of business both now and at the time Khezrian's lawsuit was commenced in Collin County Court):

Sprouts Farmers Market Texas, LP is a limited partnership organized under the laws of the State of Texas. Its principal place of business is in the State of Arizona. Sprouts Farmers Market Texas, LP's general partner is SFM Manager, LLC which is a single-member limited liability company organized under the laws of the State of Texas. SFM Manager, LLC's principal place of business is also in the State of Arizona. Sprouts Farmers Market Texas, LP's limited partner is SF Market Texas, LLC which is a single-member limited liability company organized under the laws of the State of Delaware. SF Market Texas, LLC's principal place of business is also in the State of Arizona. The single-member of SFM Manager, LLC and SF Market Texas, LLC is Sprouts Farmers Markets Holdings, LLC which is a single-member limited liability company organized under the laws of the State of Delaware. Its principal place of business is in the State of Arizona. Sprouts Farmers Markets Holdings, LLC's single member is Sprouts Farmers Market, Inc. which is a corporation incorporated under the laws of the State of Delaware with its principal place of business in the State of Arizona. Sprouts Farmers Market, Inc. is a publicly traded corporation. Sprouts Farmers Market, Inc. is the first entity in the layer of Sprouts Farmers Market Texas, LP that is not a limited partnership or a limited liability company.

As stated above, Sprouts is not now and was not at the time this action was commenced in Collin County Court a citizen of the State of Texas. As state in paragraph 2 above, Khezrian was a citizen of the State of Texas both now and at the time this action was commenced in Collin County Court.

5. As stated in paragraph 2, the amount in controversy in this action exceeds \$75,000.00 exclusive of interest and costs.

6. Removal of this action is proper under 28 U.S.C. Section 1441 because it is a civil action

brought in state court and the federal district courts have original jurisdiction over the subject matter under 28 U.S.C. Section 1332 because the plaintiff and the defendant are diverse in citizenship.

7. The documents required to be attached to this notice pursuant to Local Rule CV-81 are attached as exhibits to this Notice of Removal.

8. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Sprouts demands a jury trial on each of the issues alleged in Plaintiff's Original Petition. A jury was demanded (and a jury fee paid) in Collin County Court by Sprouts pursuant to the rules of the State Court for jury demands prior to the removal of this action.

WHEREFORE, Sprouts (the only defendant in this action) pursuant to the statutes stated in this notice and in conformance with the requirements set forth in 28 U.S.C. Sec. 1446 removes this action from the County Court at Law No. 3 of Collin County, Texas to this Court.

Respectfully submitted,

/S/ William H. Luck, Jr.

By:

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ATTORNEY IN CHARGE  
FOR SPROUTS FARMERS  
MARKET TEXAS, LP

**CERTIFICATE OF SERVICE**

Pursuant to the Federal Rules of Civil Procedure, I hereby certify that a true and correct copy of the foregoing instrument has been served via the eserve system on this the 9<sup>th</sup> day of November 2020.

/S/ William H. Luck, Jr.

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William H. Luck, Jr.